

ASSEMBLY BILL

No. 2575

Introduced by Assembly Member Chesbro

February 19, 2010

An act to add Article 5.5 (commencing with Section 4564) to Chapter 8 of Part 2 of Division 4 of the Public Resources Code, relating to resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 2575, as introduced, Chesbro. Resources: watersheds.

The Z'berg-Nejedly Forest Practice Act of 1973, among other things, prohibits a person from conducting timber operations unless a timber harvesting plan prepared by a registered professional forester has been submitted to the Department of Forestry and Fire Protection, and unless the plan has been approved. Existing law requires the Board of Forestry and Fire Protection to adopt certain forest practice rules and regulations to minimize the effects of erosion on water resources and lakes.

This bill would require the department when implementing a pilot project to protect and repair the riparian zone in watersheds with listed anadromous salmonids to, among other things, ensure that the industry, agencies, and public have balanced involvement in the pilot projects and that the pilot project have certain goals.

The bill would require the department, by July 1, 2011, to place all electronically available logging plan information on a planning watershed basis on the department's Internet Web site in an organized and easily accessible manner.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) There are crucial problems within the watersheds of
4 California that have resulted, to a large extent, in the listing of fish
5 and other wildlife species under the California Endangered Species
6 Act or federal Endangered Species Act.

7 (b) There are numerous water bodies in California that have
8 been declared by the California Environmental Protection Agency
9 and the State Water Resources Control Board to be impaired due
10 to excessive sedimentation, high water temperatures, and pollutants.

11 (c) California timberlands have been significantly depleted of
12 their timberland value, and economic stresses have devalued the
13 existing timber resources and created an extreme “boom and bust”
14 cycle for the industry and its workers, as well as drastic liquidation
15 of much essential infrastructure.

16 (d) The overstocked young growth of much of California’s
17 timberlands has led to greatly increased risk of catastrophic wildfire
18 over large areas and in proximity to and surrounding many places
19 inhabited by human communities.

20 (e) Sequestration of carbon in forest lands is a vital component
21 in slowing climate change, and adequate understanding and actions
22 to respond to this need have not been determined nor implemented.

23 (f) These problems have not only significantly and adversely
24 impacted the natural resources and watersheds of California, but
25 have similarly impacted the lives, health, safety, private property,
26 and general welfare of Californians.

27 (g) The regions of California that have state or federal listed
28 anadromous salmonid species are often predominately forest lands
29 that are subject to the Z’berg-Nejedly Forest Practice Act of 1973,
30 pursuant to Chapter 8 (commencing with Section 4511) of Part 3
31 of Division 4 of the Public Resources Code, for purposes of review
32 and approval of logging plans. These plans include, but are not
33 limited to, timber harvest plans (THPs), nonindustrial timber
34 management plans (NTMPs), Sustained Yield Plans (SYPs), and
35 Program Timberland Environmental Impact Reports (PTEIR).

36 (h) There has been, and continues to be, a separation and
37 isolation of the processes of extraction of forest land resources
38 from the processes of watershed restoration and other recovery

1 needs. Logging plans are approved and carried out in a system that
2 is disconnected from efforts of the public and the state to restore
3 and enhance fisheries' habitat, as well as cope with the other
4 problems described above. This causes inefficient allocations of
5 funding, material, and personnel with no comprehensive approach
6 to the recognition and correction of problems which, in turn, leads
7 to the continued deterioration of habitat, watershed and forest
8 health, timber quality, and fire safety.

9 (i) Significant, but often limited, gains have been made in forest
10 land resource protection and conservation since the Z'berg-Nejedly
11 Forest Practice Act of 1973, including the application of the
12 California Environmental Quality Act (CEQA), and various state
13 and federal water quality and fish and game statutes and
14 regulations. These statutes and regulations have led to some
15 improvements, including, among other things, the fact that logs
16 are no longer yarded down streambeds, landings are not placed in
17 streams, riparian buffers have evolved, and lower impact road
18 building techniques are required.

19 (j) Improvements are still to be made, however, and the weakest
20 aspect of California's forest practices is the failure to manage a
21 process that will adequately evaluate and respond to cumulative
22 effects. It is this process that can actually address the issues raised
23 in these legislative findings. A good cumulative effects process
24 can provide the information necessary to restore and recover fish
25 and wildlife populations, to improve the quality and quantity of
26 timber, to take actions to reduce fire hazards, to sequester carbon,
27 to produce energy, and to create jobs in taking on these vitally
28 important tasks.

29 SEC. 2. Article 5.5 (commencing with Section 4564) is added
30 to Chapter 8 of Part 2 of Division 4 of the Public Resources Code,
31 to read:

32
33 Article 5.5. Comprehensive Forest Land Recovery and
34 Restoration Act
35

36 4564. The department shall, when implementing a pilot project
37 pursuant to a regulation adopted in accordance with subdivision
38 (f) of Section 4562.7, to protect and repair the riparian zone in
39 watersheds with listed anadromous salmonids, comply with all of
40 the following:

1 (a) The department shall provide the industry, agencies, and
2 public with balanced equity and involvement in the pilot project,
3 which shall be represented by appropriately qualified
4 representatives respected by all parties.

5 (b) The pilot project shall result in the adoption of guidelines
6 for conducting a cumulative effects evaluation and response on a
7 planning watershed scale, supported by the industry, agencies, and
8 public, and shall address the cumulative and planning watershed
9 impacts, including project-specific issues or site-specific issues,
10 or both.

11 (c) The department shall consult with credible experts in order
12 to achieve a sound process that is feasible, enforceable, and of a
13 standard that is protective of the public trust. Topics included in
14 the findings of the pilot project shall include qualitative and
15 quantitative methods, repeatability, documentation, expertise,
16 scale, and adequacy of analysis.

17 (d) The pilot project shall have the following goals:

18 (1) Restore fisheries and wildlife habitat.

19 (2) Reduce the risk of wildfire.

20 (3) Recover forest characteristics which will produce
21 high-quality timber.

22 (4) Reduce sedimentation and soil loss.

23 (5) Achieve optimum carbon sequestration.

24 (6) Restore and recover unique attributes of a given planning
25 watershed.

26 (e) The pilot project shall address specific requirements of state
27 and federal mandates, including, but not limited to, coho recovery
28 and restoring impaired water bodies.

29 (f) Funding and personnel for the pilot projects shall be utilized
30 from existing department and responsible agencies' budgets and
31 personnel. Additional funding shall be sought from private and
32 public sources, statewide and nationally, with an emphasis on
33 receiving support from educational institutions.

34 4565. On or before July 1, 2011, the department shall place all
35 electronically available logging plan information on a planning
36 watershed basis on the department's Internet Web site in a manner
37 that is organized by a particular planning watershed and easily
38 accessible to the public.

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